

STATE OF NEW YORK

8105--A

2021-2022 Regular Sessions

IN ASSEMBLY

June 11, 2021

Introduced by M. of A. CLARK -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law and the family court act, in relation to orders of protection

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The opening paragraph of subdivision 1 of section 530.14 of
2 the criminal procedure law, as amended by chapter 60 of the laws of
3 2018, is amended to read as follows:

4 Suspension of firearms license and ineligibility for such a license
5 upon issuance of temporary order of protection. Whenever a temporary
6 order of protection is issued pursuant to subdivision one of section
7 530.12 or subdivision one of section 530.13 of this article the court
8 shall inquire of the defendant and, outside of the presence of the
9 defendant, the protected party, if the court has reason to believe that
10 such protected party would have actual knowledge or reason to know such
11 information, as to the existence and location of any firearm, rifle or
12 shotgun owned or possessed by the defendant and:

13 § 2. The opening paragraph of subdivision 2 of section 530.14 of the
14 criminal procedure law, as amended by chapter 60 of the laws of 2018, is
15 amended to read as follows:

16 Revocation or suspension of firearms license and ineligibility for
17 such a license upon issuance of an order of protection. Whenever an
18 order of protection is issued pursuant to subdivision five of section
19 530.12 or subdivision four of section 530.13 of this article the court
20 shall inquire of the defendant and, outside of the presence of the
21 defendant, the protected party, if the court has reason to believe that
22 such protected party would have actual knowledge or reason to know such

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 information, as to the existence and location of any firearm, rifle or
2 shotgun owned or possessed by the defendant and:

3 § 3. The opening paragraph of subdivision 3 of section 530.14 of the
4 criminal procedure law, as amended by chapter 60 of the laws of 2018, is
5 amended to read as follows:

6 Revocation or suspension of firearms license and ineligibility for
7 such a license upon a finding of a willful failure to obey an order of
8 protection. Whenever a defendant has been found pursuant to subdivision
9 eleven of section 530.12 or subdivision eight of section 530.13 of this
10 article to have willfully failed to obey an order of protection issued
11 by a court of competent jurisdiction in this state or another state,
12 territorial or tribal jurisdiction, in addition to any other remedies
13 available pursuant to subdivision eleven of section 530.12 or subdivi-
14 sion eight of section 530.13 of this article the court shall inquire of
15 the defendant and, outside of the presence of the defendant, the
16 protected party, if the court has reason to believe that such protected
17 party would have actual knowledge or reason to know such information, as
18 to the existence and location of any firearm, rifle or shotgun owned or
19 possessed by the defendant and:

20 § 4. The opening paragraph of subdivision 1 of section 842-a of the
21 family court act, as amended by chapter 60 of the laws of 2018, is
22 amended to read as follows:

23 Suspension of firearms license and ineligibility for such a license
24 upon the issuance of a temporary order of protection. Whenever a tempo-
25 rary order of protection is issued pursuant to section eight hundred
26 twenty-eight of this article, or pursuant to article four, five, six,
27 seven or ten of this act the court shall inquire of the respondent and,
28 outside of the presence of the respondent, the petitioner or, if the
29 petitioner is not the protected party, any party protected by such
30 order, if the court has reason to believe that such petitioner or
31 protected party would have actual knowledge or reason to know such
32 information, as to the existence and location of any firearm, rifle or
33 shotgun owned or possessed by the respondent and:

34 § 5. The opening paragraph of subdivision 2 of section 842-a of the
35 family court act, as amended by chapter 60 of the laws of 2018, is
36 amended to read as follows:

37 Revocation or suspension of firearms license and ineligibility for
38 such a license upon the issuance of an order of protection. Whenever an
39 order of protection is issued pursuant to section eight hundred forty-
40 one of this part, or pursuant to article four, five, six, seven or ten
41 of this act the court shall inquire of the respondent and, outside of
42 the presence of the respondent, the petitioner or, if the petitioner is
43 not the protected party, any party protected by such order, if the court
44 has reason to believe that such petitioner or protected party would have
45 actual knowledge or reason to know such information, as to the existence
46 and location of any firearm, rifle or shotgun owned or possessed by the
47 respondent and:

48 § 6. The opening paragraph of subdivision 3 of section 842-a of the
49 family court act, as amended by chapter 60 of the laws of 2018, is
50 amended to read as follows:

51 Revocation or suspension of firearms license and ineligibility for
52 such a license upon a finding of a willful failure to obey an order of
53 protection or temporary order of protection. Whenever a respondent has
54 been found, pursuant to section eight hundred forty-six-a of this part
55 to have willfully failed to obey an order of protection or temporary
56 order of protection issued pursuant to this act or the domestic

1 relations law, or by this court or by a court of competent jurisdiction
2 in another state, territorial or tribal jurisdiction, in addition to any
3 other remedies available pursuant to section eight hundred forty-six-a
4 of this part the court shall inquire of the respondent and, outside the
5 presence of the respondent, the petitioner or, if the petitioner is not
6 the protected party, any party protected by such order, if the court has
7 reason to believe that such petitioner or protected party would have
8 actual knowledge or reason to know such information, as to the existence
9 and location of any firearm, rifle or shotgun owned or possessed by the
10 respondent and:

11 § 7. This act shall take effect immediately.